

ETHICS REVIEW BOARD

CITY OF NEW ORLEANS

2018 ANNUAL REPORT



ETHICS REVIEW BOARD CITY OF NEW ORLEANS

Current Board Members

Mr. James A. Brown, Chair

Mr. Howard Rodgers, III, Vice Chair

Rev. Brandon Boutin, Secretary

Ms. Elizabeth Livingston de Calderon

Dr. Michael Cowan

Dr. Joe M. Ricks, Jr.

Staff Members

Mr. Dane S. Ciolino ~ Executive Administrator and General Counsel

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Message from the Chair

Dear Citizens of New Orleans:

The New Orleans Ethics Review Board (ERB) seeks to uphold and enforce high ethical standards and promote the public's confidence in the government of the City of New Orleans.

I now serve as Chair. Mr. Howard Rodgers, III is our Vice Chair, and Reverend Brandon M. Boutin is our Secretary.

In 2018, the ERB continued its work in overseeing the New Orleans Office of Inspector General ("OIG") and the New Orleans Office of Independent Police Monitor ("IPM"). We also strengthened our strategic initiative and focus upon ethics education through the work of our ethics education service provider, the Hackett Group.

On February 26, 2018, the City's new Inspector General, Mr. Derry Harper, assumed office. Since that time, he has reported to the ERB on his progress in realigning personnel and functions within in his office. On September 1, 2018, Mr. Harper delivered his office's work plan for 2019, setting forth planned audit and investigation projects along with dates and time frames for delivery of reports of audits and investigations. We look forward to receipt of those deliverables within the timeframes projected in the OIG's work plan. The OIG is also working on a comprehensive risk assessment to guide the future work of his office, and we look forward to receiving that risk assessment when completed.

The City's Independent Police Monitor ("IPM"), Ms. Susan Hutson, provided regular reports on the work of her office, including ongoing monitoring of the New Orleans Police Department ("NOPD") in key areas, receipt and review of citizen complaints, coordinating mediations of qualifying citizen complaints, and other important work. Through public meetings and other outreach, the ERB helped facilitate a more efficient sharing of NOPD data with the IPM. We are hopeful that those efforts will further improve the already constructive working relationship between the NOPD and the IPM. The work of the IPM assumes even greater importance as NOPD moves closer to full compliance with the federal Consent Decree and enters the two year sustainment period following full compliance. We expect that the IPM will play a critical role in monitoring and reporting on NOPD's progress toward and continued compliance with the federal Consent Decree benchmarks.

Also in 2018, we continued our education efforts through the Hackett Group, which included collaborating to design ethics education training that was provided to numerous City departments and offices. In December, 2018, the Hackett Group completed a special projects report focusing on specific strategies for improving the culture of governmental ethics compliance in New Orleans. We look forward to working with the Hackett Group in implementing those strategies.

In line with the strategies identified by the Hackett Group, in December 2018, the ERB approved a set of annual ethics awards designed to recognize and reward commitment to compliance with government ethics standards. The ERB's "Liaison Award" will be given annually to departmental Ethics Liaisons whose departments meet the requisite compliance qualifications. We hope that most if not all of the departmental liaisons will qualify for and receive this award. The ERB's "Torch Award for Excellence in Ethics" will be given to a single person, Department or Agency that best exemplifies commitment to high standards of

ethical compliance. A committee of citizens will evaluate applications for this award and determine its recipient. These awards will be given at an annual awards luncheon to be hosted by the ERB.

In 2018, the ERB also received and disposed of ethics complaints filed with the ERB in the manner indicated in the chart below.

In the fall of 2018, the ERB resolved and voted to realign its staff in order to enable our part-time administrator, Ms. Jessica Lang, to give her full service to the OIG. We thank Ms. Lang for her prior service to the ERB. We voted to appoint Mr. Dane Ciolino as our Executive Administrator and General Counsel. Following Civil Service and City Council approval of that new position, Mr. Ciolino assumed his new position on January 1, 2019.

It is our great privilege to serve the Citizens of New Orleans.

Respectfully submitted,

/s/James A. Brown
James A. Brown, Chair
March 1, 2019



Ethics Review Board Membership

The Ethics Review Board consists of seven volunteer Members who serve staggered seven-year terms. Six members are appointed by the Mayor from lists of three nominees submitted by the Presidents or Chancellors of Dillard University, Loyola University, Southern University in New Orleans (SUNO), Tulane University, University of New Orleans (UNO), and Xavier University. The seventh member is appointed by the Mayor. Each appointment is subject to approval by a majority of the Members of the City Council.

Current Members of the Ethics Review Board

James A. Brown - Chair, is a shareholder with the New Orleans law firm of Liskow & Lewis, P.L.C., and heads the firm's Commercial Litigation Section as well as its Professional Liability Practice Group. He also serves as the firm's General Counsel and formerly served on the Board of Directors. Mr. Brown is a Fellow of the American College of Trial Lawyers and other national professional and honorary organizations. He is the immediate past Chair of the American Bar Association Presidential Standing Committee on Lawyers' Professional Liability. Mr. Brown is an adjunct professor of trial advocacy and torts at the Louisiana State University Law Center and is a member of the New Orleans, Louisiana, and American Bar Associations. He serves as Vice Chair of the Advisory Council for the LSU Honors College. Mr. Brown received his B.A. degree, *summa cum laude* and valedictorian, from Louisiana State University in 1981. He received his J.D. from the LSU Law Center in 1984. He served as Editor-in-Chief of Volume 44 of the Louisiana Law Review and as law clerk to the Honorable Alvin B. Rubin, Circuit Judge, United States Fifth Circuit Court of Appeals, 1984-1985. He and his wife of 38 years, Kelly, have three sons, two daughters-in-law, and four grandchildren. Nominated to the ERB by the University of New Orleans, Mr. Brown's term will expire June 30, 2019.

Howard L. Rodgers, III - Vice Chair, is Executive Director of the New Orleans Council on Aging/Area Agency on Aging. He holds a Masters Degree in Social Work from Southern University at New Orleans and a certificate as a Certified Aging Planner from Louisiana State University. Mr. Rodgers is a past board member of the National Council on Aging, the Southwest Society on Aging, and Family Service of Greater New Orleans. Howard currently serves on the National Association of Social Workers Geriatric Committee, National Association of Social Workers Legal Defense Fund as a trustee and Advisory Board of the Sisters of the Holy Family Lafon Nursing Home. He is a 2010 National Council on Aging Geneva Mathiasen Award Recipient and was recognized as a 2011 Role Model by the Young Leadership Council of Greater New Orleans. Rodgers is a former board member of PACE New Orleans and former president of the Louisiana Aging Network Association. Mr. Rodgers is a nominee of Southern University at New Orleans; his term will expire September 7, 2019.

Reverend Brandon Boutin - Secretary, currently serves as the First Assistant Pastor & Pastor of Ministries at Greater St. Stephen Full Gospel Baptist Church in New Orleans, LA, under the leadership of Dr. Debra B. Morton, and Bishop Paul S. Morton, Sr. Rev. Boutin is a graduate from St. Augustine High School, Xavier University of LA, and New Orleans Baptist Theological Seminary. In 1999, he became a licensed minister and in 2006 was ordained as an elder. Deeply concerned about people, on a daily basis

Rev. Boutin may be found in community meetings, on speaking engagements, speaking on college campuses, participating in youth activities, conducting a funeral, wedding, or counseling. Rev. Boutin is a nominee of Dillard University; his term will expire June 30, 2022.

Elizabeth Livingston de Calderon is a member of the faculty at Tulane Law School, where she has supervised students in federal and state courts and agencies as part of the Tulane Environmental Law Clinic since 2006. Through the Clinic, she has accumulated extensive litigation experience under the Clean Water Act, the Administrative Procedure Act, and the National Environmental Policy Act while representing non-profit and public interest organizations, as well as indigent individuals. She has also successfully engaged in federal litigation under the Clean Air Act, the Resource Conservation and Recovery Act, and the Endangered Species Act. In state proceedings, Ms. Calderon's practice centers on the Louisiana Environmental Quality Act and its supporting regulations. Before public interest and environmental law, Ms. Calderon practiced commercial bankruptcy law—first in New York City and then in Detroit. She graduated magna cum laude from Tulane Law School, was Associate Editor of the *Tulane Law Review*, and holds a Master of Arts degree in Classical Languages. Nominated to the ERB by Tulane University, Ms. Calderon's term will expire June 30, 2023.

Dr. Michael A. Cowan is a psychologist and theologian. On the faculty of Loyola University since 1990, he also served as assistant to the president. He was co-founder of the Jeremiah Group, an interracial and interfaith community organization, and Shades of Praise, the New Orleans interracial gospel choir. After Hurricane Katrina, he served as chief of staff of the Government Efficiency and Effectiveness Committee of the bring New Orleans Back Commission, and subsequently founded Common Good, a network of civil society organizations to build multiracial consensus on the rebuilding of New Orleans. He served on the Human Relations Commission of the City of New Orleans from 2001-2008, and chaired the commission from 2002-2008. He is a visiting fellow of Harris Manchester College in Oxford University. He is a nominee of Loyola University; his term will expire June 30, 2022.

Dr. Joe M. Ricks, Jr. is the Chair of the Division of Business and the J.P. Morgan Chase Professor of Sales & Marketing at Xavier University of Louisiana. Dr. Ricks earned a Ph.D. in marketing with a minor in cognitive psychology from Louisiana State University, a Master's of Business Administration from the University of New Orleans and a Bachelor's degree in Marketing from Southeastern Louisiana University. Professionally, Dr. Ricks has published in *Business and Society Review*, the *Journal of Selling and Major Account Management*, the *European Journal of Marketing*, the journal *Performance Improvement*, the journal *Industrial Market Management*, the *Journal of Consumer Marketing*, the *Journal of Business Ethics*, the *Journal of Business Research*, and the *Journal of Vocational Behavior*. He has also been an editorial contributor to *Data News Weekly*, providing commentary on current issues relevant to the African American community. Dr. Ricks has been a visiting professor at Young & Rubicam Advertising Agency in New York in addition to the Corporate Customer Contact Center, Occupational Health and Environmental Safety Division, and the Sales Center of Excellence at 3M Company in St. Paul Minnesota. He has also served as a marketing intern coordinator for McIlhenny Company (Tabasco). Currently, he serves on the board of the Louisiana Quality Foundation that awards the Louisiana Performance Excellence Award based on the Malcolm Baldrige quality criteria. Prior to his academic career, Dr. Ricks' experiences included retail management, state government, the United States Army, and the Louisiana National Guard. Dr. Ricks is

married to Mrs. Dianne Way-Ricks and has one daughter Jaelynn Ricks. Dr. Ricks is Mayor Mitch Landrieu's appointee, and his term will expire June 30, 2020.

Mission Statement

The Ethics Review Board seeks to uphold and enforce high ethical standards and promote the public's confidence in the government of the City of New Orleans.

History of the Ethics Review Board

In 1996, citizens of New Orleans voted to amend the Home Rule Charter to mandate the City Council to establish, by ordinance, an Ethics Review Board. Under that ordinance, as amended, the ERB is empowered to issue advisory opinions, promulgate rules regarding interpretation and enforcement of the New Orleans Code of Ethics, retain counsel and impose fines. The ERB also appoints and oversees the New Orleans Inspector General and the New Orleans Independent Police Monitor. The initial selection of board members occurred in December 2006.

The Ethics Review Board has dedicated its energy to ensuring an effective government ethics program throughout the City of New Orleans, including ethics education, advice, and enforcement.

Functions and Authority

The Ethics Review Board is authorized to enforce the provisions of the City of New Orleans Code of Ethics. The Code of Ethics was established to remind public officials and employees that they must adhere to high ethical standards. It applies to all officials and employees of city government, as well as all members and employees of boards, agencies, commissions, advisory committees, public trusts, and public benefit corporations of the city. The ERB is empowered to establish additional recommendations for the code of ethics, issue advisory opinions, promulgate rules regarding the interpretation and enforcement of the city's code of ethics, refer cases for investigation on referral or complaint, retain counsel, and impose fines.

Complaints

Any person may file a complaint concerning violations of the City's Code of Ethics with the Ethics Review Board. Any public employee who reports information which the employee reasonably believes is a violation of any ordinance, statute, policy, order, rule, regulation or other ethical mandate is protected by the New Orleans Municipal Code Division 3. Code of Ethics, Subdivision 3. Generally, Section 2-772 (a) Freedom from reprisal and disclosure of improper acts, which states such employees "shall be free from discipline or reprisal for reporting such acts of alleged impropriety. An employee with authority to hire and fire, supervisor, agency head, or elected official may not subject to reprisal any public employee because of such employee's efforts to disclose such acts of alleged impropriety."

The Board may consider any matter that it has reason to believe may be a violation of any law within its jurisdiction, including but not limited to, a notice or report sent to the Board by the Inspector General. The Board may close the file, refer the matter for investigation, or take such other action as it deems appropriate.

During 2018, the Ethics Review Board received 1 complaint.

	2015	2016	2017	2018
Received	2	1	5	1
Closed ¹	0	1 (partially closed)	3	1
Deferred	0	0	1 (pending litigation)	0
Referral ²			1- Louisiana State Ethics Board	0

The ERB received 0 formal requests for advisory opinions during 2018.

	2015	2016	2017	2018
Received	0	0	0	0
Closed				
Referral				

Future Work

The Ethics Review Board continues to view education and training as integral parts to an effective government ethics program. We have increased the number of City employees that participated in ERB Ethics Education Training in 2018. We hope to accomplish the goal of all City employees undergoing Ethics Education Training in the coming years.

¹ Closed: Ethics Review Board did not have jurisdiction, or the ERB determined that even if true, it did not violate the City Code of Ethics.

² Complaints outside of the ERB’s jurisdiction are referred to the appropriate entity for review. Complaints may be referred to multiple agencies.

The Ethics Review Board will also continue to identify and explore avenues for the promotion of a healthy ethical culture throughout city government, including advancing awareness of the Board's functions as well as the ethics code.